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Security Council

Sixty-fifth year

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6297th meeting

Tuesday, 13 April 2010, 10 a.m.

New York

President:	Mr. Takasu	(Japan)
Members:	Austria	Mr. Mayr-Harting
	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Du Xiaocong
	France	Mr. Araud
	Gabon	Mr. Moungara Moussotsi
	Lebanon	Mr. Salam
	Mexico	Mr. Puente
	Nigeria	Mr. Lolo
	Russian Federation	Mr. Pankin
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation concerning the Democratic Republic of the Congo

Thirty-first report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2010/164)

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The meeting was called to order at 10.05 a.m.

Minute of silence

The President: At the outset of the meeting, I should like, on behalf of the members of the Security Council, to express our deepest sympathy to the Government and people of Poland in connection with the tragic plane crash on 10 April that killed President Kaczynski, the First Lady and a large number of senior Polish officials.

May I ask the members of the Security Council to join me in observing a minute of silence to honour the memory of those who perished in that tragic incident.

The members of the Security Council observed a minute of silence.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Thirty-first report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2010/164)

The President: I should like to inform the Council that I have received a letter from the representative of the Democratic Republic of the Congo, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mukongo Ngay (Democratic Republic of the Congo) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Alan Doss, Special Representative of the Secretary-General and head of the United Nations Organization Mission in the Democratic Republic of the Congo.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of members to document S/2010/164, which contains the thirty-first report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo.

At this meeting, the Security Council will hear a briefing by Mr. Alan Doss. I now give the floor to Mr. Doss.

Mr. Doss (*spoke in French*): Four months ago, the Security Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), emphasizing three essential tasks: the protection of civilian populations; the disarmament, demobilization and repatriation or reintegration of Congolese or foreign armed groups; and support for the Government's efforts to reform the security sector. Although progress has not been consistent across all these areas, we have, however, made considerable progress. Today I would like to outline some of the elements key to the implementation of our mandate and also describe the challenges we face.

(*spoke in English*)

As regards the first priority of the Mission, we have pursued and reinforced our earlier efforts to enhance the effective protection of civilians. These efforts have been directed at two key objectives: first, increasing MONUC presence and situational awareness in the areas most vulnerable to violence; and secondly, working with the Forces armées de la République démocratique du Congo (FARDC), the Congolese army, to improve conduct and discipline during forward operations.

To achieve the first objective we have multiplied the deployments of the Joint Protection Teams (JPT). Eighty-seven Joint Protection Team missions have been deployed, including 22 since the beginning of this year, and as in the past, they have assisted the Blue Helmets in identifying, preventing and reacting to security

threats, often through the establishment of local early warning committees.

Additional military bases, many of them located in very remote areas, have been established in the Kivus and the areas of Orientale Province affected by the Lord's Resistance Army (LRA), bringing their total number to 73; this has been accompanied by more frequent patrolling in the most security-sensitive areas. The deployment of these bases and the JPT missions is guided by the Rapid Response and Early Warning Cell, established at MONUC headquarters as well as in the field. These draw on information from a variety of sources and try to identify trends and emerging threats in order to direct our military resources towards prevention or response actions. The effective protection of civilians relies on this capacity to analyse and anticipate threats and to prevent them from materializing.

As regards the second objective, in line with President Kabila's declared zero-tolerance policy and the provisions of the policy governing MONUC support to the FARDC, MONUC now provides assistance to the 18 battalions specifically designated to carry out operations against the Forces démocratiques de liberation du Rwanda (FDLR) in the context of Operation Amani Leo, and only when such targeted operations have been jointly planned to take account of civilian protection. In agreement with the High Command of the FARDC, the officers commanding these strike battalions and the chain of command have been screened to make sure they do not have a history of human rights violations, and they report directly to the North and South Kivu operations commanders of Operation Amani Leo.

The FARDC has taken some important measures to curb indiscipline and to fight impunity. Operational military courts have initiated around 42 trials over the past year and have condemned at least 25 officers and soldiers. The number of soldiers prosecuted for serious offences has increased substantially, but this is an area that still needs significant improvement, and MONUC, through the Joint Human Rights Office and the Rule of Law Section, is providing support for joint investigation teams and prosecution support cells in the FARDC. These initiatives warrant further assistance, and MONUC is working with partners to mobilize such assistance. Nevertheless, discipline is likely to remain a constant concern as long as the structural problems of the Congolese army are not fully resolved. These include persistent delays in the payment of salaries, insufficient supplies and a very low level of training of many troops, especially those who have been integrated from the various armed groups. These are issues that need to be addressed as part of the security sector reform effort.

The humanitarian situation in the Kivus and parts of Orientale Province remains of deep concern, with a large number of internally displaced persons, high levels of sexual violence against women and attacks on humanitarian workers. But security has gradually improved in several territories in the Kivus and the economic tempo is picking up in consequence; close to one million internally displaced persons (IDPs) have returned to their areas of origin, and all the major IDP camps around Goma have now been closed. Unfortunately, however, violence against civilians is increasingly perpetrated by criminal elements in both North and South Kivu, which points to the need for an enhanced police presence to secure public order.

MONUC's support to the Government in its struggle against the armed groups has focused on the FDLR, the ex-Interahamwe Rwandan forces, which is now the major source of violence and instability in the Kivus. Due to steady military pressure from the FARDC and outreach from the MONUC's disarmament, demobilization, reintegration and repatriation or resettlement (DDRRR) team — the reintegration support team — the FDLR continues to suffer a steady erosion in the number and capability of its forces. The recent actions by the authorities in some European countries against the FDLR expatriate leadership are welcome and will help the efforts on the ground in the Democratic Republic of the Congo to dismantle the FDLR.

Despite this progress, we cannot afford to relax in our common endeavour to end the menace of the FDLR. The FDLR leadership remains at large and the group is still carrying out violent reprisals against civilians, as well as abductions. As a result, the Amani Leo strategy has been designed to encompass both protection and offensive dimensions and must be sustained to ensure that the population is secured and that targeted operations against the FDLR command continue.

Elements of the Congrès national pour la défense du peuple (CNDP) have continued to maintain parallel administrative structures and tax collection in Masisi

territory. This has provoked serious tensions with local communities as well as threats against MONUC by some former CNDP military commanders now integrated in the FARDC. A number of the provisions of the 23 March agreements — the amnesty law and the release of political prisoners, the treatment of the war-wounded, the signing of the tripartite agreement for the return of refugees from Rwanda and the appointment of territorial administrators — have been implemented by the Government. But other provisions are still outstanding, notably the announcement of the outcome of the commission on military ranks, which has created dissatisfaction among officers who have been recently integrated into the FARDC from the armed groups.

The LRA attacks in Orientale Province remain a serious concern as well. While we agree with the Congolese authorities that the number of LRA combatants has been significantly reduced, the extraordinary brutality of the LRA and the practice of turning abductees into new fighters continue to destabilize the territories of Haut- and Bas-Uélé in Orientale Province. The FARDC, with the support of MONUC, has established security perimeters around the main population centres and secured the main roads through frequent patrols. But the LRA is an elusive enemy, and we cannot discount the possibility of renewed attacks against population centres and isolated communities, using hit-and-run tactics, as has been the case in the more remote areas, and notably, just before Christmas, in the area of Tapila, with disastrous consequences for that community.

As long as the LRA commanders remain at large and are able to operate across borders in three countries, the group will continue to pose a serious protection challenge. The Governments of the countries affected, together with the international partners, need to work closely together in order to eliminate the LRA threat once and for all, which requires greater real-time intelligence sharing, enhanced air mobility and special force operations to interdict the movement of the armed bands.

In the meantime, MONUC's efforts to sensitize the LRA rank and file have led to some surrenders — 53 since the beginning of last year, which is a significant number considering the overall size of the group still present in the Democratic Republic of the Congo. This is encouraging, although the LRA continues with abductions to fill some its gaps, so the struggle against the LRA must continue.

Small-scale rebel activity is present in southern Ituri in Orientale province, where MONUC is working closely with the FARDC to restore lasting security in the affected areas and to facilitate the deployment of the police. In recent weeks, we have assisted more than 2,000 villagers to return home after they fled military operations in this area.

In the north-west of the Democratic Republic of the Congo, a new and unanticipated challenged emerged late last year. A long-simmering ethnic conflict over fishing rights in northern Equateur province escalated with an attack of the rebels on the provincial capital Mbandaka on Easter Sunday. The attack was repelled by Government forces with the aid of MONUC. Unfortunately, the losses suffered by the civilian population and the security forces were quite high and, tragically MONUC, lost one soldier and two contractual agents.

The capacity of the national security forces to respond to such threats in remote areas is still limited because of capacity constraints. The Mission must be prepared therefore to offer logistic support, if requested and within the limits of its resources, to counter armed threats to the constitutional order or to help contain conflicts with the potential of escalating and threatening the security of civilians.

As indicated in the Secretary-General's report (S/2010/164), a set of laws has been submitted to Parliament covering defence and army regulation, together with a law for the National Police. We hope that this legislation will be adopted during the current session of Parliament as a basis for moving ahead with the reform plan for the army that was developed by the Government last year.

Even in the absence of this legislative framework, there has been some progress in police training and deployment along the main axes in the eastern Democratic Republic of the Congo, as well as in army training by several bilateral partners. Key decisions have also been made concerning the establishment of garrisons in the eastern Democratic Republic of the Congo. Work is progressing on three sites in South Kivu and will soon start in North Kivu. These are important steps, but additional, harmonized efforts will be required to help build the capacities of the

Government to fully ensure the protection of the population in years to come.

In pursuance of the mandate that the Security Council has given MONUC in resolution 1906 (2009), we have established an ambassadors' forum in Kinshasa to facilitate a regular dialogue among partners and with the Government on various aspects of security sector reform, while emphasizing that the Government itself must take the lead role in coordination. We have encouraged the Government to engage its international partners in a strategic dialogue based on the army reform plan developed by the military authorities so as to dispose of a nucleus of well-trained forces that will take over MONUC's residual security responsibilities as its forces leave the Democratic Republic of the Congo. We have also encouraged the Government to develop a national security policy and to build the capacities for national security coordination, including the oversight of the various components of the national security architecture.

I would now like to speak about MONUC's reconfiguration and drawdown. In paragraph 2 of resolution 1906 (2009), the Security Council has referred to "critical tasks that need to be accomplished before MONUC can envisage its drawdown without triggering a relapse into instability". These tasks were assessed by the technical assessment team led by the Department of Peacekeeping Operations that visited the Democratic Republic of the Congo in March. The findings of the team have been summarized in the Secretary-General's report before the Council.

In the light of the team's findings, Under-Secretary General Le Roy, in his meetings with President Kabila and Prime Minister Muzito, urged a prudent approach to MONUC's drawdown. The President explained his vision for the future of the Democratic Republic of the Congo, emphasizing the need for the country to rely on its own capacities, and in that context presented a much briefer timetable to implement the drawdown, indicating that he would wish for the drawdown to be completed by June 2011. The essential elements of those discussions are outlined in the report of the Secretary-General, and there is no need for me to repeat them here.

In acknowledgement of the President's vision, the Secretary-General's report recommends that the first stage of the drawdown be initiated before 30 June 2010, subject to the Council's concurrence. MONUC believes that this is operationally feasible. Following that stage, a review of the security situation in areas of MONUC deployment would be conducted by a joint Government/MONUC coordination mechanism to be established for that purpose. The first such review would take place in September this year and a second in March next year. These reviews would focus on progress on military operations against armed groups, the deployment of security forces to assume MONUC protection task, and the establishment of State authority in areas freed of armed groups. They would be the trigger for the planning of subsequent phases of the drawdown, based on the principle of national self-reliance put forward by President Kabila.

During the Council's forthcoming visit to the Democratic Republic of the Congo, I am sure that members will engage with the Government in order to determine how the drawdown can be best shaped and implemented without compromising the achievements of the past decade, for which we have all worked so hard.

As regards the Mission's reconfiguration, again the Secretary-General's report puts forward a proposal which is meant to anticipate and address the remaining critical tasks. The protection of civilians under imminent threat of violence should remain a primary concern of the Mission. Protection requires continued support to build State capacity, reinforce the rule of law and bolster compliance with international humanitarian law, human rights and refugee law. Strengthening the National Police is a critical dimension of the work to extend and reinforce protection. We are pleased, therefore, that the Government has requested MONUC assistance in this area.

As regards the military dimensions of security sector reform, the Government has made it clear that it wishes to largely rely on bilateral aid for building up the capabilities of the army. However, the Government has also indicated that it would welcome MONUC assistance to train and deploy three military police battalions and build capacity for military justice, which would further enhance our ongoing protection work.

As indicated in the Secretary-General's report, MONUC should also progressively shift its focus and structure towards post-conflict stabilization and peace consolidation, based on an expanded partnership with

the United Nations country team. The Integrated Strategic Framework, which we are currently discussing with the Government, is intended as a road map to help us move in that direction, in line with Congolese priorities.

We have already worked closely with the United Nations country team to provide coordinated support for the implementation of the Government's Stabilization and Reconstruction Plan for conflict-affected areas, which is gaining momentum and producing results on the ground. A recent strategic evaluation of the International Security and Stabilization Support Strategy, conducted in cooperation with key donors, is recommending increased support in order to sustain what needs to be a long-term undertaking to accompany the transition towards development.

The sustainability of the peace process will eventually depend on the success of these efforts to stimulate recovery and reconstruction and to ensure the effective presence and authority of the State and the consolidation of democratic structures. But endemic poverty, lack of employment for demobilized combatants, the competition for economic resources — including land and minerals — and the return of internally displaced persons and refugees are all potential sources of tension and violence that need to be carefully managed. This is why we need to reshape the Mission to enhance the capacity of the United Nations system and MONUC to assist the Government to address these challenges during and after the drawdown. These issues are the key to consolidating the peace in the Democratic Republic of the Congo, and not only in the East.

President Kabila has reassured the Congolese public of the Government's firm intention to hold elections in 2011. The Government is currently reviewing the calendar with the inter-institutional forum. We have been informed that a timetable for the elections is to be published shortly, together with an indication of what support will be requested from the international community and MONUC. The legislature is currently working on the legislation needed to prepare those elections. The adoption of that legislation, in particular as concerns the delineation of local constituencies and the national elections commission, is urgent in order to adhere to the constitutional calendar.

As we reflect on the future, I would now like to recall some words from the past.

> "The end of all political effort must be the well-being of the individual in a life of safety and freedom. In the case of the Congo, as elsewhere, the means to this end are, in the first place, the independence, peace, integrity and prosperity of the country." (*A/PV.906, para. 16*)

(*spoke in French*)

Those words were spoken 50 years ago by Secretary-General Dag Hammarskjöld. They are still relevant today as the Democratic Republic of the Congo prepares to commemorate the fiftieth anniversary of its independence. From the beginning, the United Nations has been a partner and friend of the Congo. I am confident that this relationship will continue as the country begins a new era of sovereign independence.

The President: I thank Mr. Doss for his comprehensive briefing.

There are no further speakers inscribed on my list this morning. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion.

The meeting rose at 10.35 a.m.